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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,183	07/29/2003	Ronald Marsh	U66.12-0005	7201

164 7590 01/27/2006  
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EXAMINER

BROADHEAD, BRIAN J

ART UNIT PAPER NUMBER

3661

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/629,183

Applicant(s)

MARSH, RONALD

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12,16,19,28,36,37 and 41-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12,16,19,28,36,37 and 41-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The indicated allowability of claims 12, 16, 19, 28, 36, 37, and 41 is withdrawn in view of the newly discovered reference(s) to Marrah et al., Koeller, and Moragne et al. Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 36, 37, 41 and 44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not disclosed how a "best fit rectangle" is determined, or how the "radius" is determined and why they are necessary.

3. Claims 36, 37, 41, and 44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to disclose how to determine a best-fit rectangle of the radius surrounding the weather radio or the reasons why such a step is necessary. If there are more than one location codes in the area how is one chosen?

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 36 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 36 and 37 recite the limitation "a location code" in the last line of each claim. Is this the same as the previously mentioned location code or is this a different one?

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 36, 37, 41, 44, 45, and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Marrah et al., 6728522.
9. Marrah et al. disclose determining a location of the weather radio based on information from a global positioning receiver on lines 12-13, on column 2; correlating the location of the weather radio with geographic weather radio broadcast information to obtain location code data on lines 13-15, on column 5; automatically programming the

Art Unit: 3661

weather radio(analog and digital receiver) based on the location code data to receive only geographic weather radio broadcast information associated with the location of the weather radio on lines 13-15, on column 5; determining a best fit rectangle or radius surrounding the location of the weather radio, comparing the best fit rectangle or radius to a data base of location codes, and selecting a location code located in the best fit rectangle or radius on lines 35-40, on column 5; using a database of FIPS codes is inherent with the disclosure of using NOAA SAME on column 1; and selecting a broadcast frequency based on position on lines 21-30, on column 4.

10. Claims 19 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Koeller, 6297766.

11. Koeller discloses a radio receiver for receiving emergency event data on lines 55-65, on column 3; a GPS receiver for determining a location of the portable alert system(220); a computer processor disposed within the portable alert system having control software for processing the emergency event data and an input from the GPS to provide an output to a display indicating a position of the portable alert system and a position of an emergency, wherein the computer processor further processes the input from the GPS to automatically program the radio receiver to receive only an emergency data broadcast signal associated with the location of the portable alert system on lines 25-47, on column 4, and lines 10-20, on column 5; a cellular phone system for receiving digital weather radar data on lines 50-55, on column 5; and the emergency data broadcast data signal is associated with a specified broadcast frequency is inherent

Art Unit: 3661

since communication is associated with a specific frequency so that the receiver can receive it.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 12, 16, 19, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeller, 6297766.

14. Koeller discloses a radio receiver for receiving emergency event data on lines 55-65, on column 3; a GPS receiver for determining a location of the portable alert system(220); a computer processor disposed within the portable alert system having control software for processing the emergency event data and an input from the GPS to provide an output to a display indicating a position of the portable alert system and a position of an emergency, wherein the computer processor further processes the input from the GPS to automatically program the radio receiver to receive only an emergency data broadcast signal associated with the location of the portable alert system on lines 25-47, on column 4, and lines 10-20, on column 5; and the emergency data broadcast data signal is associated with a specified broadcast frequency is inherent since communication is associated with a specific frequency so that the receiver can receive it.. Koeller does not explicitly disclose a satellite receiver for receiving weather radar data. Koeller does disclose on lines 60-67, on column 3, that any number of receivers

and transmission types can be used in his invention and that satellite antenna can be used. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a satellite receiver for receiving weather radar data because it is a design choice.

15. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alcock et al., 2004/0198389, in view of Lamb, 2003/0193394, in further view of Moragne et al., 2002/0107947.

16. Alcock et al. disclose a location data source for the portable alert system in paragraph 17; an emergency data source for notifying the portable alert system of an emergency event in paragraph 19, NOAA data includes alerts; a computer processor to process the location and emergency data to obtain image data that correlates the location of the portable alert system and emergency event, wherein the computer processor further processes the location data to automatically program the portable alert system to receive only and emergency data broadcast signal associated with the location of the portable alert system on paragraphs 9 and 17; a display in figure 2; the location data source is a GPS in paragraph 17; the emergency data source is a satellite receiver or cell phone system configured to receive digital radar from a satellite on paragraphs 38 and 41; the image data is a digital map in paragraph 17; radar image superimposed on the map in paragraph 43; an icon showing a location of the portable alert system and the emergency event in paragraph 17; the emergency event relates to emergency data broadcast by the National Weather service on paragraph 19; and the radio receives non-emergency data till emergency data is received in paragraph 19, the

Art Unit: 3661

device receives data continuously and the emergency data is mixed with non-emergency data.

17. Alcock et al. does not disclose the emergency alert comprises an Amber alert; and displaying information regarding the emergency alert comprises displaying a photograph. Lamb discloses that NOAA weather radio also broadcasts alerts for the Emergency Alert System maintained by the FCC in paragraph 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive an Amber alert with the invention of Alcock et al. because Alcock et al. already discloses using NOAA data and this data would include Amber alerts that are broadcast on the EAS.

18. Alcock et al. and Lamb do not disclose displaying information regarding the emergency alert comprises displaying a photograph. Moragne et al. teach displaying information regarding the emergency alert comprises displaying a photograph in paragraph 98. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the photograph of Moragne et al. in the invention of Alcock et al. and Lamb because such modification would allow the photo of the missing child be view across and effective geographic area immediately as stated in paragraph 98, of Moragne et al.

### ***Response to Arguments***

19. Applicant's arguments with respect to claims 12, 16, 19, 28, 36, 37, and 41-46 have been considered but are moot in view of the new ground(s) of rejection.



20. Applicant's arguments filed 10-6-05 have been fully considered but they are not persuasive. The arguments with respect to claims 36, 37, and 41 are not persuasive because they argue that "best-fit" and "within a radius" are known. While that may or may not be true, it still does explain how these are used in the invention and why they are necessary. For example, what is the "best fit" fitting itself too?


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJB

  
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